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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,487	02/06/2004	Shehzad T. Merchant	02453.0021.NPUS00	6629

			EXAMINER
27194	7590	03/23/2006	ENG, DAVID Y

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/773,487	MERCHANT ET AL.
		Examiner	Art Unit	
		DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-32* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *06 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *8/8/2005*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Applicants are requested to provide the serial number, the filing date and

the status of related applications on page 1 of the specification. The following US

patent applications appear to be related to the instant application either as CIP

child or CIP parent, Applicants are requested to cross reference them and to

provide the filing date and the status thereof on page 1 of the specification.

10/773, 394; 10/774,079 and 10/794,203.

A new title that is more aptly descriptive of the invention claimed is

requested.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Scope of independent claims 1 and 10 is not clear. An application is

nothing more than a program. A program by itself is unable to allow an

administrator to selectively configure a port. It appears that means for executing

the program and for allowing an administrator to selectively configure a port to

support either wired or wireless edge devices are required in the network switch

claimed.

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

Claims 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 15, 16, 23, 24, 25 and 29-30 are

rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones (USP

6,137,802).

See at least Figures 1-10 and the corresponding description in Jones.

Jones teaches a network (Figure 1) having ports (ATW switch) that could be

selectively configured to support either a wired edge device or a wireless edge

device (lines 50-53 of column 2).

With respect to claims 1, 8, 10, 11, 12, 16, 23 and 29, Jones teaches:

A network switch (Figure 1), comprising:

a configurable port (ATM) for connecting an edge device, and

an application (application 40 of Figure 2) running on the network switch,

for allowing an administrator to selectively configure (Figure 3) the port to support

(see wired and wireless in Figures 2 and 3) either a wired edge device or a

wireless edge device,

a memory or database (claims 6, 10, 26) (inherent component to

implement flowchart Figure 7, see also "configure" in Figure 7),

edge devices (see 28, 16-26 of Figure 1), and

an administrator interface (inherent, input devices such as keyboard,

mouse, display etc. because software has to be initially installed by an

administrator).

As to claims 2, 13, 25, see the profile in Figure 2.

As to claims 3 and 29, see administrator interface above.

As to claims 7, 15, see Ethernet in line 51 of column 3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 4-5, 9, 14, 17-22, 26-28 and 31-32 are rejected under 35 U.S.C.

103(a) as being unpatentable over Jones (USP 6,137,802) in view of Kmack

(USP 6,304,851).

With respect to the first four steps of claim 17 and the claims directed to

download configuration information to devices, Jones teaches claim combination

set forth above. With respect to the last two steps of claim 17, It is well known

that edge devices require to be configured with configuration information. Jones

does not explicitly disclose that the device configuration information is download

from the network. However, Kmack teaches devices being configured by

configuration information downloaded from a network (see lines 6-8 of column 8

in Kmack). If the devices of Jones required to be configured, it would have been

obvious from the teaching of Kmack to a person of ordinary skill in the art to

download the configuration information to the devices of Jones so that the

devices are able to communication with the port.

As to claims 4, 14, the particular type of information required to configure

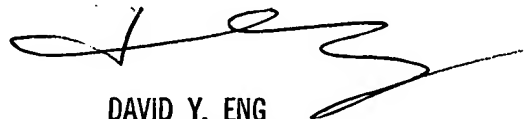a user device is dependent on the particular type of user device selected.

As to claim 31, I/O devices or interfaces for installing or upgrading are inherent in an administrator interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID Y. ENG
PRIMARY EXAMINER